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### *Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

CASE NO. 3:25-cv-04849-SI

Plaintiff,

## Coordinated with

V.

Case No. 4:25-cv-02060-SI

FATHI ABDULRAHIM HARARA and  
NATIVE GROUNDS, LLC, d/b/a  
JERUSALEM COFFEE HOUSE,

## Defendants.

## **SUBSEQUENT JOINT CASE MANAGEMENT STATEMENT**

DATE: December 12, 2025  
TIME: 12:00 PM PST  
JUDGE: The Honorable Susan Illston

1 Pursuant to Civil Local Rule 16-9 and the Court's Standing Order, Plaintiff, the United States of  
2 America, and Defendants Fathi Abdulrahim Harara And Native Grounds, Inc. ("Defendants")  
3 (collectively, "the parties"), respectfully submit this Subsequent Joint Case Management Statement.

4 **1. Jurisdiction and Service**

5 The parties' positions remain the same as the last Case Management Statement. *See* ECF No.  
6 18. For the Court's convenience, those positions are reproduced below.

7 The basis for the Court's jurisdiction is 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 2000a-5(a).  
8 Defendants have waived service of process. *See* ECF No. 4. No other parties remain to be served. The  
9 parties do not contest jurisdiction or venue.

10 **2. Facts**

11 The parties' positions remain the same as the last Case Management Statement. *See* ECF No.  
12 18. For the Court's convenience, those positions are reproduced below.

13 The United States alleges that Defendants, who own and operate a coffee house in Oakland that  
14 is open to the general public, refused on three occasions to serve two customers, Michael Radice and  
15 Jonathan Hirsch, because they are Jewish. Both customers were wearing baseball caps with the Star of  
16 David, which a symbol of the Jewish religion. The United States' factual allegations are set forth fully  
17 in its Complaint and incorporated herein by reference. Compl. ¶¶ 7-57, ECF No. 1. Defendants do not  
18 dispute that Messrs. Radice and Hirsch visited the coffee house but deny that they discriminated on the  
19 basis of race and/or religion.

20 **3. Legal Issues**

21 The parties' positions remain the same as the last Case Management Statement. *See* ECF No.  
22 18. For the Court's convenience, those positions are reproduced below.

23 The parties dispute whether Defendants violated Title II of the 1964 Civil Rights Act ("Title II")  
24 by denying Messrs. Radice and Hirsch the "full and equal enjoyment of the goods, services, facilities,  
25 privileges, advantages, and accommodations of any place of public accommodation ... without  
26 discrimination or segregation on the ground of" race or religion. *See* 42 U.S.C. § 2000a(a). The parties  
27  
28

1 further dispute whether Defendants “engaged in a pattern or practice of resistance to the enjoyment of  
2 any of the rights secured by” Title II. *See id.* § 2000a-5(a).

3 **4. Motions**

4 Since the last case management conference, no party in this case has filed any motion that has  
5 yet to be resolved. Following the last case management conference, and per stipulation, the Court  
6 entered an Order granting a modified stipulated motion to coordinate the above-captioned case with  
7 *Radice v. Jerusalem Boxing Club, LLC, et al.*, Case No. 4:25-cv-02060-SI, with provisions pertaining to  
8 the coordination of discovery across the two cases.

9 At midnight on September 30, 2025, the act that had been funding the Department of Justice  
10 expired and appropriations to the Department lapsed. On October 31, 2025, the parties jointly requested  
11 a stay of the litigation, ECF No. 32, which the Court granted on the same date, ECF No. 33. On  
12 November 7, 2025, the Court entered an Order granting a stipulation to continue the case management  
13 conference in the *Radice* case scheduled for November 14, 2025 so that the subsequent conference could  
14 include counsel for the United States.

15 On November 17, 2025, the United States filed a notice of resumption of appropriations  
16 notifying the Court that appropriations were restored on the evening of November 12, 2025. While the  
17 United States filed two notices delaying the filing of a joint proposed case management plan, first due to  
18 the Thanksgiving holiday and most recently because parties are still in discussions, the second notice  
19 stated the parties would present a joint proposal on December 5, 2025.

20 **5. Amendment of Pleadings**

21 The deadline for amending the pleadings has passed and no party has elected to amend its  
22 pleadings.

23 **6. Evidence Preservation**

24 The parties’ positions remain the same as the last Case Management Statement. *See* ECF No.  
25 18. For the Court’s convenience, those positions are reproduced below.

26 The parties certify that they have reviewed the Court’s Guidelines Relating to the Discovery of  
27 Electronically Stored Information. On August 5, 2025, the parties met and conferred under Rule 26(f)  
28

1 of the Federal Rules of Civil Procedure regarding reasonable and proportionate steps the parties have  
 2 taken to preserve relevant evidence.

3 **7. Disclosures**

4 The parties have exchanged initial disclosures as required.

5 **8. Discovery**

6 The United States currently anticipates taking discovery related to the incidents of discrimination  
 7 alleged in the complaint. Such discovery may include written discovery concerning Defendants'  
 8 operation of the Jerusalem Coffee House and depositions of Defendants, their employees, and other  
 9 witnesses to the incidents. Defendants also anticipate taking written discovery and depositions relating  
 10 to Plaintiff's claims and Defendants' affirmative defenses, including the deposition of Attorney General  
 11 Pam Bondi, who made public statements admitting the bases for Defendants' affirmative defenses. The  
 12 parties do not currently propose any changes to the discovery limits set forth in the Federal Rules of  
 13 Civil Procedure.

14 The United States conferred with Defendants' counsel as well as counsel for Plaintiff in the  
 15 related case, *Radice v. Jerusalem Boxing Club, LLC et al.*, Case No. 3:25-cv-02060. Given the time lost  
 16 due to the lapse in appropriations, the United States proposes and Defendants do not object to the  
 17 following proposed schedule:

Event	Current Date	Proposed Date
Expert Disclosures	December 15, 2025	January 15, 2026
Expert Rebuttal Disclosures	January 15, 2026	February 16, 2026
Close of Discovery	February 28, 2026	NO CHANGE
Dispositive Motions	March 31, 2026	NO CHANGE
Opposition Briefs	April 26, 2026	NO CHANGE
Reply Briefs	May 5, 2026	NO CHANGE
Final Pretrial Conference	July 10, 2026	NO CHANGE
Trial Begins	On or after July 27, 2026	NO CHANGE

1           The proposed change to expert discovery deadlines is limited and does not affect other deadlines  
2 in the case.

3           The parties agree that they will produce electronically stored information (ESI) in its native  
4 format. If ESI cannot be produced or accessed in native format, the parties will produce it in PDF  
5 format, generated from its native format if possible. Information produced in PDF format will be Bates  
6 numbered.

7           **9. Class Actions**

8           Not applicable.

9           **10. Related Cases**

10           *Radice v. Jerusalem Boxing Club et al.*, No. 4:25-cv-02060 (N.D. Cal.); *Hirsch v. Native*  
11 *Grounds, Inc.*, No. 25CCV114083 (Cal. Sup. Ct. Alameda Cnty.).

12           **11. Relief**

13           Pursuant to 42 U.S.C. § 2000a-5, the United States seeks only equitable relief.

14           **12. Settlement and ADR**

15           The parties' positions remain the same as the last Case Management Statement. *See* ECF No.  
16 18. For the Court's convenience, those positions are reproduced below.

17           The parties do not believe settlement negotiations or ADR would be fruitful at this time. The  
18 parties anticipate revisiting settlement and/or ADR discussions once discovery begins.

19           **13. Other References**

20           The parties' positions remain the same as the last Case Management Statement. *See* ECF No.  
21 18. For the Court's convenience, those positions are reproduced below.

22           Because this is a civil rights case filed by the United States, it is not appropriate for binding  
23 arbitration. This case is also not appropriate for reference to a special master or the Judicial Panel on  
24 Multidistrict Litigation.

## **14. Narrowing of Issues**

The parties' positions remain the same as the last Case Management Statement. See ECF No.

18. For the Court's convenience, those positions are reproduced below.

The parties anticipate that certain issues will be narrowed by agreement or by motion once discovery commences.

15. Scheduling

The parties' proposed case schedule is set forth in Paragraph 8 above.

## 16. Trial

Because the United States seeks only equitable relief, the parties are not entitled to a jury trial on these claims. *See Tull v. United States*, 481 U.S. 412, 417 (1987). *See* Case No. 4:25-cv-02060, Am. Compl. 16, ECF No. 18; Answer 1, ECF No. 35. However, the parties in *Radice* have sought and are entitled to a jury trial on Radices' nonequitable claims.

Per the Court's Order granting a modified stipulated motion to coordinate the above-captioned case with *Radice v. Jerusalem Boxing Club, LLC, et al.*, Case No. 4:25-cv-02060-SI, the parties are coordinating discovery across the two cases. The United States is willing to try its claims before a jury on the question of liability concurrently with the *Radice* plaintiffs. The United States believes that doing so would promote judicial economy by avoiding a second trial on plaintiffs' respective Title II claims, as well as the potential for inconsistent rulings between a bench and a jury trial. The parties expect the trial to last between three to four days.

## **17. Disclosure of Non-Party Interested Entities or Persons**

Pursuant to Civil Local Rule 3-15, Defendants filed a disclosure stating that Native Grounds, Inc. has no parent companies and that no publicly traded company owns 10% or more of their shares.

## **18. Professional Conduct**

The parties' positions remain the same as the last Case Management Statement. *See* ECF No. 18. For the Court's convenience, those positions are reproduced below.

The parties confirm that all attorneys of record have reviewed the Guidelines for Professional Conduct for the Northern District of California.

19. Other

1 None.

3 Dated: December 5, 2025

4 Respectfully submitted,

5 s/ Amie S. Murphy  
6 AMIE S. MURPHY  
7 United States Department of Justice  
Civil Rights Division  
Housing and Civil Enforcement Section

8 *Attorneys for Plaintiff United States of America*

10 s/ Glenn Katon (by express permission)  
11 GLENN KATON  
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14 *Attorneys for Defendants*